

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

**Adopted and Filed**

**Rule making related to waste tire management**

The Environmental Protection Commission (Commission) hereby amends Chapter 116, “Registration of Waste Tire Haulers,” and Chapter 117, “Waste Tire Management,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 455D.11(7) and 455D.11I(7).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 455D.11A(5) and 455D.11I(6) and 2021 Iowa Acts, House File 560.

*Purpose and Summary*

Chapters 116 and 117 collectively establish standards for the proper management of waste tires. Specifically, the rules set forth requirements for the disposal, collection, storage, processing, and beneficial use of waste tires. They also require permits, require the registration of waste tire haulers, and dictate certain industry fees.

The purpose of this rule making is to align Chapters 116 and 117 with their recently amended authorizing statutes. Iowa Code sections 455D.11A(5) and 455D.11I(6) as amended by 2021 Iowa Acts, House File 560, made several substantive changes to the waste tire program. The following amendments are adopted, consistent with the legislation:

- Remove pre-1998 financial assurance requirements;
- Increase the amount of financial assurance from \$.35 to \$2.50 for each tire stored by a waste tire collector and from \$.85 to \$2.50 for each tire held for more than three days by a waste tire processor; and
- Change the bond amount required for waste tire haulers from \$10,000 to \$150,000.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 8, 2021, as **ARC 5902C**. A public hearing was held on September 28, 2021, at 9 a.m. via video/conference call. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commission on December 21, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on February 16, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 116.6(1) as follows:

**116.6(1)** An application for registration or renewal shall not be approved by the department until the waste tire hauler has provided a bond in the sum of a minimum of ~~\$10,000~~ \$150,000 on a form prescribed by the commissioner of insurance.

ITEM 2. Amend subrule 117.7(2) as follows:

**117.7(2)** *Financial assurance amounts required.*

*a.* Waste tire stockpile sites shall have financial assurance coverage equal to ~~35 cents~~ \$2.50 per waste tire collected and stored ~~prior to July 1, 1998, and 85 cents per waste tire collected and stored on or after July 1, 1998.~~

*b.* ~~If the owner or operator of a waste tire stockpile does not have adequate records to determine the time frame within which waste tire inventories were initially collected, then financial assurance amounts shall be determined by allocating the number of tires stored proportionally between the time period the facility has operated before and after July 1, 1998.~~

*e. b.* Waste tire processing sites shall have financial assurance coverage equal to ~~85 cents~~ \$2.50 per waste tire stored above the permitted three-day processing capacity, in accordance with 117.6(3) "b."

[Filed 12/21/21, effective 2/16/22]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/22.